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 Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

EVERETT HOGGE and PRISCILLA HOGGE,)	Case No.: C 07 2873 MJJ
)	
Plaintiffs,)	DECLARATION OF DEBORAH R. ROSENTHAL IN SUPPORT OF PLAINTIFFS' REPLY TO JOHN CRANE INC.'S OPPOSITION TO MOTION FOR REMAND
vs.)	
A.W. CHESTERTON COMPANY, <i>et al</i> ,)	
)	[28 USC § 1447; F.R.C.P. 7(b); ND CA Local Rule 6-3]
Defendants.)	
)	Hearing Date: To Be Determined
)	Time: 9:30 a.m.
)	Courtroom: 11, 19 th Floor
)	Judge: Hon. Martin J. Jenkins

I, Deborah R. Rosenthal, declare as follows:

1. I am an attorney admitted to practice law before this Court and all the courts of the State of California and am an associate of Paul, Hanley & Harley, LLP, attorneys of record for plaintiff herein. The matters stated herein are true to my own personal knowledge, except as otherwise stated. If called upon as a witness to, I could and would testify to the following facts.

2. Attached hereto as **Exhibit "1"** is a true and correct copy the Virginia State Corporation Commission's record showing that Hopeman Brothers, Inc., is incorporated in the State of Virginia. Defendant's Exhibit 6 shows that Hopeman Brothers, Inc., is incorporated in

1 the State of Delaware. I am informed and believe that Hopeman Brothers, Inc., was formerly
2 incorporated in Delaware, but on February 1, 2007, it re-incorporated in Virginia.

3 3. Attached hereto as **Exhibit "2"** is the Stipulation to Remand Action to Superior
4 Court of California, executed by counsel for plaintiffs Gene Murray and Anna Marie Murray and
5 for defendant Hopeman Brothers, Inc., and subsequently filed in the case of *Gene Murray and*
6 *Anna Marie Murray v. A.W. Chesterton Co., et. al.*, U.S. District Court for the Northern District
7 of California, Oakland Division, Case No. C 07 0843 WDB. In this stipulation, counsel for
8 Hopeman Brothers, Inc., represents and stipulates to the fact that Hopeman Brothers, Inc.,
9 recently changed its place of incorporation to the State of Virginia. This constituted grounds for
10 remand in the *Murray* case because plaintiffs in that case were citizens of Virginia, as they are in
11 this case (see JOHN CRANE's Notice of Removal at ¶ 2 and Exhibit 2.)

12 I declare under the penalty of perjury under the laws of the State of California and of the
13 United States that the foregoing is true and correct. Executed on June 8, 2007, in Berkeley,
14 California.

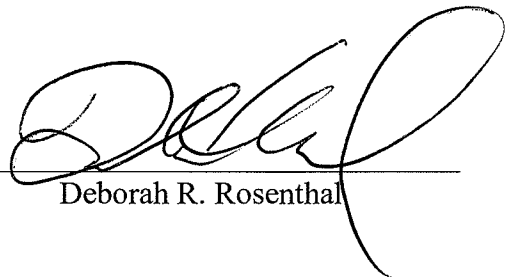

15
16 
17 Deborah R. Rosenthal

EXHIBIT “1”

Source: Public Records > Find a Business > Corporation, Partnership & DBA Registrations by State > VA Business and Corporation Information 

Terms: "hopeman brothers" (Edit Search | Suggest Terms for My Search)

 Select for FOCUS™ or Delivery



VIRGINIA STATE CORPORATION COMMISSION

THIS DATA IS FOR INFORMATIONAL PURPOSES ONLY

CERTIFICATION CAN ONLY BE OBTAINED THROUGH THE ISSUING GOVERNMENT AGENCY

VIRGINIA STATE CORPORATION COMMISSION

Company Name: Hopeman Brothers, Inc.

Type: CORPORATION

Status: ACTIVE

Status Date: 2/1/2007

Filing Date: 2/1/2007

Duration: PERPETUAL

Date of Incorporation/Qualification: 2/1/2007

State or Country of Incorporation: VIRGINIA

Registered Agent:

AWH CORPORATION

Status: ACTIVE

Creation Date: 2/1/2007

Registered Office:

435 ESSEX AVE STE 101
WAYNESBORO, VA 22980

Other Name Information:

HOPEMAN BROTHERS MERGER, INC.

Type: FORMER

Additional Information: INDUSTRY: GENERAL

Filing Number: 671729

Stock Information:

Type of Stock: COMMON

Authorized Quantity: 100

Change in Stock: NO


History:

File Date: 2/5/2007

Type: MERGER-SURVIVOR CORPORATION

File Date: 2/5/2007

Type: NAME CHANGE

Source: [Public Records > Find a Business > Corporation, Partnership & DBA Registrations by State > VA Business and Corporation Information](#) 

Terms: "hopeman brothers" ([Edit Search](#) | [Suggest Terms for My Search](#))

View: Full

Date/Time: Friday, June 8, 2007 - 1:58 PM EDT



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EXHIBIT “2”

Dean A. Hanley, Esq. (State Bar No. 169507)
 Philip A. Harley, Esq. (State Bar No. 147407)
 Deborah R. Rosenthal, Esq. (State Bar No. 184241)
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 Email: pharley@phhlaw.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND DIVISION

GENE MURRAY and ANNA MARIE
 MURRAY,

Plaintiffs,

vs.

A.W. CHESTERTON COMPANY, et al,

Defendants.

Case No.: C 07 0843 WDB

**STIPULATION TO REMAND ACTION
 TO SUPERIOR COURT OF
 CALIFORNIA; [PROPOSED] ORDER**

Defendant HOPEMAN BROTHERS, INC., having recently changed its place of
 incorporation to the State of Virginia, and the plaintiffs being citizens of the State of Virginia,

IT IS HEREBY STIPULATED by and between the above-captioned plaintiffs and
 defendant HOPEMAN BROTHERS, INC.—the sole party that removed this case from the
 Superior Court of the State of California, County of Alameda, to the U.S District Court for the
 Northern District of California—that the parties are not diverse and this Court does not have
 subject matter jurisdiction over this action.

IT IS FURTHER STIPULATED, based thereon, that this case should be remanded to
 state court at the earliest possible date.

**STIPULATION TO REMAND ACTION TO SUPERIOR COURT OF CALIFORNIA; [PROPOSED]
 ORDER**

PAGE 1

1 IT IS FURTHER STIPULATED that each party shall bear its own fees and costs.

2 SO STIPULATED by below-signing counsel, on behalf of the parties:

3
4 Dated: February 13, 2007

PAUL, HANLEY & HARLEY LLP

5
6 By: 

Deborah R. Rosenthal, Esq.
Attorneys for Plaintiffs

7
8
9 Dated: February 13, 2007

BASSI, MARTINI, EDLIN & BLUM, LLP

10 By: _____

Robert Kraft, Esq.
Attorneys for HOPEMAN BROTHERS, INC.

11
12
13 * * *

14 **ORDER**

15 Counsel for plaintiffs and for defendant HOPEMAN BROTHERS, INC., the sole party
16 who removed this case from the Superior Court of the State of California to the U.S. District
17 Court, having stipulated that this case be remanded to state court,

18 PURSUANT TO STIPULATION, IT IS SO ORDERED that the above-captioned case is
19 REMANDED to the Superior Court of California, County of Alameda.
20

21 Dated: _____

Honorable Wayne D. Brazil

FEB. 13. 2007 2:10PM FBASSI MARTINI EDLIN & BLUM, LLP

NO. 7065 P. 3
TO 2475... 391:03 P.03/05

1 IT IS FURTHER STIPULATED that each party shall bear its own fees and costs.
2 SO STIPULATED by below-signing counsel, on behalf of the parties:
3

4 Dated: February 13, 2007

PAUL, HANLEY & HARLEY LLP

6 By:

Deborah R. Rosenthal, Esq.
Attorneys for Plaintiffs

8 Dated: February 13, 2007

BASSI, MARTINI, EDLIN & BLUM, LLP

10 By

Robert Kraft, Esq.
Attorneys for HOPEMAN BROTHERS, INC.

14 * * *

15 ORDER

16 Counsel for plaintiffs and for defendant HOPEMAN BROTHERS, INC., the sole party
17 who removed this case from the Superior Court of the State of California to the U.S. District
18 Court, having stipulated that this case be remanded to state court,

19 PURSUANT TO STIPULATION, IT IS SO ORDERED that the above-captioned case is
20 REMANDED to the Superior Court of California, County of Alameda.

21 Dated: _____

Honorable Wayne D. Brazil

28 STIPULATION TO REMAND ACTION TO SUPERIOR COURT OF CALIFORNIA; [PROPOSED]
ORDER

RECEIVED TIME FEB. 13. 1:28PM

PRINT TIME FEB. 13. 1:29PM

PAGE 2

PROOF OF SERVICE

STATE OF CALIFORNIA - COUNTY OF ALAMEDA

I am employed in the County of Alameda, State of California, I am over the age of 18 years and not a party to the within action. My business address is 1608 Fourth Street, Suite 300, Berkeley, CA 94710.

On February 13, 2007, I served the foregoing:

1. **STIPULATION TO REMAND ACTION TO SUPERIOR COURT OF CALIFORNIA; [PROPOSED] ORDER**
2. **STIPULATION TO WITHDRAW NOTICE OF REMOVAL; [PROPOSED] ORDER**

and a copy of this declaration to the interested parties herein as follows:

☐ By personal delivery of a true copy thereof to:

☐ By transmittal from a facsimile machine whose telephone number is (510) 559 9970:

☒ By placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid in the United States mail at Berkeley, California, addressed as follows:

DEFENDANT HOPEMAN BROTHERS

Bassi, Martini, Edlin & Blum
351 California Street, Suite 200
San Francisco, CA 94104

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed in Berkeley, California.

DATE: February 13, 2007



Enedra L. Harden

Gene Murray, et al v. A.W. Chesterton Company, et al
Northern District Case No. C 07 0843 WDB